

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BRADLEY CADDELL,
Plaintiff,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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No. 3:14-CV-02249

**DEFENDANTS' THALER AND POLK MOTION TO DISMISS
AND SUPPLEMENTAL MOTION TO DISMISS FOR FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants Rick Thaler and Balden Polk and file this Motion to Dismiss and Supplemental Motion to Dismiss for Failure to Exhaust Administrative Remedies and Join in Defendants' Motion to Dismiss (D.E. #8) and Supplemental Motion to Dismiss (D.E. #12) and show as follows:

STATEMENT OF THE CASE

Based on Proof of Service submitted by Plaintiff, Defendants' Thaler and Polk join in Defendants' Motion to Dismiss, filed at (D.E #8), and Defendants' subsequent Supplemental Motion to Dismiss, filed at (D.E. #12). Said Motion to Dismiss and Supplemental Motion to Dismiss are incorporated by reference as if set forth verbatim herein.

CONCLUSION

Wherefore Premises Considered, Defendants Thaler and Polk request that the Court grant Defendants' Motion to Dismiss for Failure to Exhaust Administrative Remedies and dismiss all claims against them with prejudice and grant any other relief to which they are entitled to receive.

Respectfully submitted,

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NOTICE OF ELECTRONIC FILING

I, **DANIEL NEUHOFF**, Assistant Attorney General of Texas, certify that I have electronically submitted for a copy of the foregoing for filing in accordance with the Electronic Case Files system of the Northern District of Texas on July 31, 2014.

/s/ Daniel Neuhoff
DANIEL NEUHOFF
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **DANIEL NEUHOFF**, Assistant Attorney General of Texas, certify that I have served all counsel or *pro se* parties of record electronically or by another manner authorized by FED. R. Civ. P. 5 (b)(2) on July 31, 2014.

/s/ Daniel Neuhoff
DANIEL NEUHOFF
Assistant Attorney General